

16967. Adulteration of unpopped popcorn. U. S. v. 27 Cases * * *. (F. D. C. No. 28873. Sample No. 59307-K.)

LIBEL FILED: February 23, 1950, Western District of Michigan.

ALLEGED SHIPMENT: On or about December 16, 1949, and January 5, 1950, by the Better Taste Popcorn Co., from Anderson, Ind.

PRODUCT: 27 cases, each containing 24 16-ounce bags, of unpopped popcorn at Grand Rapids, Mich.

LABEL, IN PART: "Davis Hybrid Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed and insect-damaged kernels, insect fragments, and rodent hairs; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 14, 1951. The Better Taste Popcorn Co., claimant, having withdrawn its answer and petition for release and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16968. Adulteration of uncoated rice. U. S. v. 50 Bags * * *. (F. D. C. No. 29908. Sample No. 84195-K.)

LIBEL FILED: September 29, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 17 and December 8, 1949, from Harrisburg, Ark.

PRODUCT: 50 bags of uncoated rice at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 2, 1951. The Baltimore & Ohio Warehouse, owner, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing and conversion into stock feed, under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

16969. Adulteration of butter. U. S. v. Milnor Farmers Cooperative Creamery & Produce Assn., a corporation, and Philip O. Augdahl. Pleas of guilty. Corporation fined \$750, plus costs; individual defendant fined \$250. (F. D. C. No. 30059. Sample No. 85629-K.)

INFORMATION FILED: December 18, 1950, District of North Dakota, against the Milnor Farmers Cooperative Creamery & Produce Assn., Milnor, N. Dak., and Philip O. Augdahl, manager of the corporation.

ALLEGED SHIPMENT: On or about August 30, 1950, from the State of North Dakota into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, setae, manure, rat or mouse hairs, insect eggs, moth scales, and mites.

DISPOSITION: January 9, 1951. Pleas of guilty having been entered, the court imposed a fine of \$750, plus costs, against the corporation and a fine of \$250 against the individual defendant.

16970. Adulteration of butter. U. S. v. Glenn F. Borg (Golden Valley Creamery).
Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 30066. Sample No. 73853-K.)

INFORMATION FILED: December 18, 1950, District of North Dakota, against Glenn F. Borg, trading as the Golden Valley Creamery, Park River, N. Dak.

ALLEGED SHIPMENT: On or about July 7, 1950, from the State of North Dakota into the State of New York.

LABEL, IN PART: "Butter Distributed by Hunter, Walton & Co. New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, manure, feather fragments, rodent hairs, and sediment; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 9, 1951. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs.

16971. Misbranding of butter. U. S. v. Kent Products, Inc., Howard E. Kent, and George L. Sproull. Plea of guilty entered for corporation; plea of nolo contendere entered for individual defendants. Corporation fined \$1,000, plus costs; charges against individual defendants dismissed. (F. D. C. No. 3002. Sample Nos. 70227-K, 70228-K, 70234-K.)

INFORMATION FILED: November 29, 1950, Western District of Missouri, against Kent Products, Inc., Kansas City, Mo., Howard E. Kent, president, and George L. Sproull, plant superintendent.

ALLEGED VIOLATION: On or about January 12, 1942, the defendants gave to a firm at North Kansas City, Mo., a guaranty to the effect that butter sold or delivered under the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about May 15 and 19, 1950, the defendants sold and delivered under the guaranty, quantities of butter that were misbranded. The holder of the guaranty was engaged in the business of introducing into interstate commerce, butter supplied by the defendants.

LABEL, IN PART: (Portion) "One Pound Net Bluebonnet Brand Creamery Butter Manufactured By Harrow Taylor Butter Co."; (remainder) "Kroger's Country Club Quality Brand Roll Butter * * * One Pound Net Weight Distributed By The Kroger Grocery & Baking Co."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the prints contained less than the labeled "One Pound Net Weight" and "One Pound Net."

DISPOSITION: January 5, 1951. A plea of guilty having been entered for the corporation, the court fined the corporation \$1,000, plus costs. The charges against the individual defendants were dismissed.